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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 IN RE PHILLIP BROWN,

6
7 Plaintiff.

Case No. 3:23-cv-00346-ART-CLB

ORDER

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9 *Pro se* Plaintiff Phillip Brown brings this action against no named
10 defendants and with no identified causes of action apparently seeking damages
11 from various airline companies and booking websites for harm allegedly suffered
12 while traveling. Before the Court is the Report and Recommendation (“R&R” or
13 “Recommendation”) of United States Magistrate Judge Carla Baldwin (ECF No.
14 3) screening the complaint and recommending this action be dismissed with
15 prejudice. The R&R also recommends that Plaintiff’s application to proceed *in*
16 *forma pauperis* (ECF No. 1 (“IFP Application”)) be denied as moot. Plaintiff had
17 until July 27, 2023 to file an objection. To date, no objection to the R&R has
18 been filed. For this reason, and as explained below, the Court adopts the R&R,
19 and will dismiss the case without prejudice.

20 The Court “may accept, reject, or modify, in whole or in part, the findings
21 or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where
22 a party fails to object to a magistrate judge’s recommendation, the Court is not
23 required to conduct “any review at all . . . of any issue that is not the subject of
24 an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v.*
25 *Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the
26 magistrate judges’ findings and recommendations is required if, but *only* if, one
27 or both parties file objections to the findings and recommendations.”) (emphasis
28 in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that

1 the Court “need only satisfy itself that there is no clear error on the face of the
2 record in order to accept the recommendation.”).

3 Because there is no objection, the Court need not conduct de novo review
4 and is satisfied Judge Baldwin did not clearly err. Here, Judge Baldwin
5 recommends dismissing the action with prejudice because the Court cannot
6 identify the factual or legal basis for Plaintiff’s claims, nor can it conceive any set
7 of circumstances where Plaintiff’s conclusory statements would give rise to a
8 federal constitutional or statutory right. (ECF No. 3 at 3–4.) The R&R also
9 recommends that leave to amend not be granted because the deficiencies in
10 Plaintiff’s complaint cannot be cured by amendment, thus rendering amendment
11 futile. (ECF No. 3 at 4.) The Court agrees with Judge Baldwin. Plaintiff’s
12 complaint is largely incomprehensible and does not state a claim upon which
13 relief may be granted and amendment here would be futile. Having reviewed the
14 R&R and the record in this case, the Court will adopt the R&R in full.

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1 IT IS THEREFORE ORDERED that Judge Baldwin's Report and
2 Recommendation (ECF No. 3) is accepted and adopted in full.

3 IT IS FURTHER ORDERED that Plaintiff's IFP Application (ECF No. 1) is
4 denied as moot.

5 IT IS FURTHER ORDERED that the Clerk file the complaint. (ECF No. 1-
6 1.)

7 IT IS FURTHER ORDERED that the complaint (ECF No. 1-1) be
8 DISMISSED WITH PREJUDICE.

9 The Clerk of the Court is directed to enter judgment accordingly and close
10 this action.

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12 DATED THIS 9th day of November 2023.

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15 ANNE R. TRAUM
16 UNITED STATES DISTRICT JUDGE
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